

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER e: LAW ENFORCEMENT

PART 2080
OPERATION OF WATERCRAFT CARRYING PASSENGERS
FOR HIRE ON ILLINOIS WATERS

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SOURCE: Adopted at 20 Ill. Reg. 15697, effective December 2, 1996; amended at 22 Ill. Reg. 10491, effective June 1, 1998; amended at 23 Ill. Reg. 9062, effective July 28, 1999; amended at 24 Ill. Reg. 3594, effective February 17, 2000; amended at 30 Ill. Reg. 14529, effective August 24, 2006.

Section 2080.10 Introduction

The State of Illinois, Department of Natural Resources, hereby announces the rules and regulations supplementing the provisions of the Boat Registration and Safety Act of 1959 [625 ILCS 45].

Section 2080.20 Definitions

Department - the Department of Natural Resources.

Dockside Inspection - an examination of a watercraft in the water so that all equipment and systems may be inspected.

Dry Dock Inspection - an examination of a watercraft out of the water and supported so all the exterior and interior of the watercraft may be examined.

General Maintenance - dry docking or hauling out of a watercraft for painting or cleaning the

hull and rudder, or the changing of a propeller shaft and associated bearings.

Good Marine Practice and Standards - those methods and ways of maintaining, operating, equipping, repairing and restructuring watercraft as determined by the marine inspector. The marine inspector shall use commonly accepted standards, including 46 CFR subchapters T, K, K' and H, the standards of the American Boat and Yacht Council, the standards of the American Bureau of Shipping, and other appropriate generally accepted standards as sources of reference.

Independent Certifier - any person who, through background, experience, or training, is qualified to inspect a vessel for equipment carriage requirements as set forth in this Part, and certify compliance to the Department. Such person may include, but not be limited to, a marine inspector as defined in this Part, or a qualified member of the U.S. Coast Guard Auxiliary, but may not include the owner, anyone related to the owner, or any employee of the vessel being inspected.

Inland Waters - all waters of the State, except navigable waters.

Marine Inspector - a marine surveyor with at least five years experience, or a professional engineer licensed by the Illinois Department of Professional Regulation.

Navigable Waters - those waters of the State over which the State of Illinois and the United States Coast Guard exercise joint jurisdiction, including Lake Michigan, to the upstream limit of navigation as determined by the United States Department of the Army, Corps of Engineers.

Open Boat - a watercraft, either with or without engines or motors, which has its engine, fuel tank compartments, and other spaces, except weather enclosures, open to the atmosphere and arranged to prevent or preclude the entrapment of explosive and flammable gases and vapors within the watercraft.

Owner - a person who claims lawful possession of a watercraft by virtue of legal title or equitable interest therein which entitles him or her to possession. "Owner" also means a person acting on the behalf of the owner in all matters concerning the watercraft.

Personal Flotation Device (PFD) - a United States Coast Guard approved lifesaving device.

State Boating Law Administrator - the Department of Natural Resources law enforcement officer assigned to administer boating statutes and rules for boating safety.

Suitable - the marine inspector has determined an item is in keeping with good marine practice and standards.

Section 2080.30 Applicability

- a) This Part does not apply to watercraft required to be inspected by the United States

Coast Guard, under 46 CFR subchapters T, K, K' and H, for the purpose of carrying passengers for hire.

- b) This Part shall apply to all other watercraft, as defined in the Act, carrying passengers for hire on waters of this State.

Section 2080.40 Dry Dock Inspection

- a) For watercraft carrying more than six passengers for hire, as defined by the United States Coast Guard, already licensed to carry passengers for hire in the State of Illinois prior to the effective date of this Part, the initial dry dock inspection shall be required as follows:
 - 1) Watercraft having a registration number ending with either 0 or 1 shall be inspected before being licensed in 1997.
 - 2) Watercraft having a registration number ending with either 2 or 3 shall be inspected before being licensed in 1998.
 - 3) Watercraft having a registration number ending with either 4 or 5 shall be inspected before being licensed in 1999.
 - 4) Watercraft having a registration number ending with either 6 or 7 shall be inspected before being licensed in 2000.
 - 5) Watercraft having a registration number ending with either 8 or 9 shall be inspected before being licensed in 2001.
- b) Inspection Procedures for Watercraft Carrying More Than Six Passengers For Hire, as defined by the United States Coast Guard in 46 CFR subchapters T, K, K', and H.
 - 1) Before carrying passengers for hire, a watercraft shall successfully complete a dry dock inspection conducted by a marine inspector. The Department shall subsequently require successful completion of a dry dock inspection every 5 years.
 - 2) Before an inspection, the owner of a watercraft shall remove or effectively store all associated equipment, including fishing gear, coolers, and personal belongings onboard the watercraft, which could impede the inspection process.
 - 3) The owner of a watercraft shall open or remove all hatches and inspection ports before or during an inspection and shall have the watercraft in a reasonably clean and orderly condition.
 - 4) To determine that a watercraft is seaworthy and in good and serviceable

condition, the owner of a vessel shall permit the marine inspector to inspect the entire interior and exterior of the vessel, including all components, machinery, and associated equipment.

- 5) When the marine inspector has reasonable cause to believe that the seaworthiness or the sound structure of the watercraft may be impaired, the owner of the watercraft may be required to remove sections or portions of the lining, decking, ceiling, or other obstructions that may obscure any part of the watercraft so that the seaworthiness or sound structure may be determined.

c) Watercraft Passenger Capacity; Determination

- 1) On watercraft that do not have or are not required to have a watercraft capacity plate, the maximum passenger capacity shall be determined by applying any one of the following criteria which result in the allowance of the greatest number of passengers.
 - A) One passenger per 30 inches of rail space available to passengers at the watercraft's sides and across the transom.
 - B) One passenger per 10 square feet of deck area available for passenger use. In computing the deck area, the areas occupied by concession stands, toilets and washrooms, companionways, and stairways shall be excluded.
 - C) One passenger per 18 inches of width of fixed seating provided.
- 2) Except as provided in subsection (c)(3), on vessels that have or are required to have vessel capacity plates, the passenger capacity shall be determined by applying either of the following criteria which result in the allowance of the greatest number of persons without exceeding the capacity plate maximums.
 - A) $(\text{Weight capacity} - \text{maximum motor and gear weight}) / 150 = \text{number of passengers.}$
 - B) $(\text{Boat length} \times \text{boat beam}) / 15 = \text{number of passengers.}$
- 3) The marine inspector shall calculate the number of passengers which may safely be transported on watercraft carrying passengers for hire. For watercraft that have 2 or more passenger decks above the waterline, the marine inspector shall follow the vessel stability criteria contained in 46 CFR Subchapter S (1999; no later amendments or editions included) in determining the number of passengers allowable on each deck of the watercraft. The number shall be set forth on the certificate of inspection.

d) Vessel damage, repairs, and alterations; reports; repair and alteration standards;

modification of corrections and repairs; determination of unsafe vessel; modification and inspection exception.

- 1) When a vessel is involved in an accident causing major physical damage, has structural damage, or is to be hauled out and dry docked to carry out major repairs or alterations affecting the vessel's seaworthiness, the owner of the vessel shall immediately report to a marine inspector the nature of the damage, repairs, or alterations. Physical damage does not include breakage of glass, lights, or decorative items.
 - 2) All repairs and alterations shall be done in accordance with good marine practice and standards and approved by a marine inspector before the work is started. Drawings, sketches, or written specifications may be required by the marine inspector depending on the nature and extent of the repairs or alterations.
 - 3) The owner of a vessel shall not allow the vessel to be returned to service or returned to the water until all repairs or alterations have been completed and the vessel has been reinspected and approved by a marine inspector. A marine inspector shall reinspect the watercraft as soon as possible after notification by the owner that the repairs and alterations have been completed.
 - 4) When corrections or repairs to the watercraft or associated equipment are required as a result of an inspection by a marine inspector, the owner of the vessel shall notify the marine inspector when the corrections or repairs have been made.
 - 5) When during the course of an inspection, the marine inspector finds equipment or conditions which are not addressed in this Part and which are unsafe or jeopardize the safety of the passengers carried onboard, the marine inspector shall require the condition be corrected or the equipment removed from the watercraft.
 - 6) When it is determined by the marine inspector that a watercraft, because of its construction or design, or both, is not safe to carry passengers for hire, a certificate of inspection shall not be issued. The owner, if not satisfied with the decision of the Department, may seek relief by requesting a formal hearing as authorized by 17 Ill. Adm. Code 2530, Department Formal Hearings Conducted for Rulemaking and Contested Cases.
 - 7) Notification and inspection shall not be required for general maintenance dry docking or hauling out.
- e) Inspection Exemptions

- 1) Watercraft carrying not more than six passengers for hire, as defined by the United States Coast Guard in 46 CFR subchapters T, K, K', and H, shall not be required to be inspected under the provisions of this Section.
- 2) Watercraft registered in another state which have been inspected under similar provisions in that state shall not be required to be inspected under the provisions of this Section.

(Source: Amended at 24 Ill. Reg. 3594, effective February 17, 2000)

Section 2080.50 Dockside Inspection

a) Annual Inspection

All watercraft subject to this Part shall be inspected annually under the provisions of this Section, except as provided in Section 2080.40 of this Part.

b) Inspection Procedures for Watercraft Carrying More Than Six Passengers For Hire, as defined by the United States Coast Guard in 46 CFR subchapters T, K, K', and H.

The owner of a vessel shall, at the dockside inspection, submit his vessel for inspection by a marine inspector and shall operate or cause to be operated all equipment and systems to the extent necessary to determine that the vessel is being maintained and operated in accordance with good marine practices and standards, and the condition of the vessel structure, equipment and systems are satisfactory for safe and constant operation.

c) Main Engine Gauges - Inboard or Inboard/Outboard

1) On vessels designed for inboard or inboard/outboard (sterndrive) main engines, both of the following gauges shall be present.

A) A gauge to indicate main engine cooling water temperature for each main engine. A gauge shall be readable from each helm position.

B) A gauge to indicate main engine lubrication oil pressure for each main engine. A gauge shall be readable from each helm position.

2) All gauges installed on a vessel shall be in good and serviceable condition.

d) Personal Flotation Devices

1) At least one Coast Guard approved, wearable type personal flotation device of a proper size for each person, including the crew, shall be provided and carried onboard. Each device shall be inspected at the dockside inspection.

- 2) Each wearable type personal flotation device carried aboard the vessel shall have affixed to it, in a suitable manner, 200 square centimeters (31.5 sq. in.) of Coast Guard approved retro-reflective material to the outside front of each device and 200 square centimeters (31.5 sq. in.) to the outside back of each device.
 - 3) Personal flotation devices shall be carried in suitable locations which are readily accessible to the passengers onboard. The locations shall be designed to allow the devices carried to float free when practical.
 - 4) When personal flotation devices are carried so that they are readily accessible, but not readily visible to the passengers, the container shall be marked "LIFE PRESERVERS" and the number of devices contained therein shall be listed. The letters and numbers shall be at least 1 inch high and shall be a color contrasting to the color of the container. The container shall also indicate the size of the devices contained therein. Differing sizes shall be separately stored.
 - 5) On documented watercraft, all required personal flotation devices shall be marked with the vessel's name in characters at least 1 inch high in a color contrasting to the color of the device.
 - 6) On undocumented watercraft, all required personal flotation devices shall be marked with the watercraft's registration number in characters at least 1 inch high in a color contrasting to the color of the device.
 - 7) Aboard each watercraft shall be a Type IV personal flotation device, which shall comply with all of the following requirements:
 - A) Be readily accessible in a suitable location.
 - B) Have attached not less than 50 feet of line.
 - C) Be marked as required by subsections (d)(5) and (d)(6) of this Section.
 - 8) When the inspector determines that any personal flotation device required to be carried onboard a vessel is not in good and serviceable condition, the owner of the vessel shall permit the marine inspector to note, in writing, on the personal flotation device that the device is no longer serviceable. The owner of the vessel shall replace the non-serviceable devices immediately and such defective devices shall be replaced prior to further use of the vessel.
- e) Fire Fighting Equipment
- 1) A vessel shall be equipped with a U.S. Coast Guard approved portable fire

extinguisher which shall be located accessible to helmsman's position.

- 2) All fire extinguishers shall be examined monthly to make certain that they have not been tampered with and have not suffered corrosion or damage.
 - 3) All foam extinguishers shall be discharged, cleaned, and inspected for mechanical defects or serious corrosion and recharged annually.
 - 4) All dry chemical extinguishers shall be kept full with the specified weight of chemical at all times. The cartridge shall be reweighed annually. It shall be recharged if the cartridge is found to weigh less than the minimum weight stamped thereon, or when the pressure is below prescribed operating limits.
 - 5) All carbon dioxide extinguishers shall be reweighed annually, and a cylinder found lighter than the weight indicated on the name plate shall be recharged.
 - 6) Maintenance required in subsections (d)(2) through (5) of this Section shall be performed by a qualified fire fighting equipment repair service.
- f) First Aid Kit and Emergency Procedures List
- 1) A minimum of one first aid kit containing at least 16 units shall be provided and maintained onboard the watercraft.
 - 2) An emergency procedures list shall be posted aboard the vessel in a conspicuous location. The list shall set forth, at a minimum, all of the following informational items:
 - A) Radio Procedure (if a marine radio is required under subsection (i))
 - i) Switch to Channel 16;
 - ii) Call the Coast Guard;
 - iii) Give boat name, registration number, radio call sign;
 - iv) Identify the boat size, description, and color.
 - v) Give your location or compass heading to a known point; and
 - vi) Describe the emergency
 - B) Leaks or Damage Control
 - i) Put on life jackets (PFD), open deck hatches, look for leaks;

- ii) Start bilge pump, get manual pumps or buckets;
- iii) Shut off engine only if leak may be from engine hoses;
- iv) If hull is damaged and engine is inboard (not stern drive), shut off engine, close sea cock, disconnect intake water hose, place end in bilge, restart engine to act as bilge pump.

C) Fire or Explosion

- i) Be ready to go overboard with personal flotation device (life jacket);
- ii) Reduce air to fire area - leave hatches closed, close doors, shut off electric supply;
- iii) Use extinguisher, if possible;
- iv) Jettison burning material, if possible;
- v) Use radio procedure above, calling "MAYDAY, MAYDAY, MAYDAY";
- vi) Prepare to abandon ship, get signal flares or flags, throw flotation material overboard;
- vii) If you abandon ship, stay together, use distress signals when help is in sight, gather additional flotation material around you.

D) Man Overboard

- i) Shout "MAN OVERBOARD" - continuously watch person in the water, point direction so skipper can maneuver to retrieve;
- ii) Stop engine (propeller rotation) if person overboard is near the boat;
- iii) Throw life ring, seat cushion, or marker light in the area of the person;
- iv) Do not jump into the water to assist.

g) Visual Distress Signals

- 1) A vessel which operates on navigable waters of this State, Carlyle Lake, Lake

Shelbyville, or Rend Lake shall have onboard the appropriate number and type of U.S. Coast Guard approved visual distress signals as are required for that vessel if it were operated on Lake Michigan.

- 2) All pyrotechnic aerial red flares and pyrotechnic hand-held or floating orange smoke shall be U.S. Coast Guard approved and shall not have passed the expiration date printed on the device.
- 3) A person shall not display a visual distress signal on the waters of the State, except in an emergency.
- 4) A vessel shall have onboard at least one portable battery-operated light (flashlight), powered by D-cells or larger size batteries, which is in good and serviceable condition and readily accessible.

h) Cooking and Heating Appliances

- 1) Cooking appliances aboard a watercraft shall be operated only by the owner, the operator, or a crew member.
- 2) Cooking and heating appliances, when present on a watercraft, shall be of a type commonly manufactured for use aboard watercraft.
- 3) Cooking and heating appliances, when present on a watercraft, shall be installed in adequately ventilated areas and shall be secured to the vessel.

i) Marine Radio and Compass

- 1) A vessel which operates on the navigable waters of this State shall have onboard a marine band radio which is in good working condition.
- 2) A vessel which operates on the navigable waters of this State shall have onboard a suitable marine-type compass which is in good and serviceable condition.

j) Toilet and Sanitary Facilities

- 1) All watercraft, except open boats and watercraft where suitable privacy enclosures are not practical, shall be equipped with one marine toilet. The toilet shall be connected to a permanently installed holding tank, which allows for dockside pumpout at approved sanitary disposal facilities.
- 2) The use of Y valves or other means which would allow for overboard discharge directly or indirectly into the waters of the State is prohibited.
- 3) Marine toilets shall be maintained in a serviceable and sanitary condition.

k) Anchor and Anchor Line

- 1) A vessel shall be equipped with one anchor of a suitable size and type, and an appropriate length of suitable anchor line which is readily available onboard the vessel, except that a vessel operating on the waters of Lake Michigan shall be equipped with not less than 150 feet of suitable anchor line.
- 2) Any line, when attached to the required anchor, shall be attached by eyesplice, thimble, and shackle.

l) Inspection Procedures for Watercraft Carrying Not More Than Six Passengers, as defined by the United States Coast Guard

The owner of a vessel shall, at the dockside inspection, submit his vessel for inspection by an independent certifier and shall operate or cause to be operated all equipment and systems to the extent necessary to determine that the vessel is in compliance with subsections (d) through (k).

m) Inspection Exemption

Watercraft registered in another state which have been inspected under similar provisions in that state shall not be required to be inspected under the provisions of this Section.

(Source: Amended at 22 Ill. Reg. 10491, effective June 1, 1998)

Section 2080.60 Licensing Requirements

a) Navigable Waters (U.S. Coast Guard License)

- 1) All persons operating watercraft carrying passengers on the navigable waters of this State shall have a license issued to them by the United States Coast Guard authorizing the operation of navigation of vessels carrying passengers for hire, under the provisions of 46 CFR subchapters H, K, and T.
- 2) Licensed operators shall be authorized to operate only vessels designated by the license, and only on bodies of water so designated on the license.
- 3) The license shall be kept in full force and effect and conspicuously displayed and shall be framed under transparent material. Where posting is impractical, the license shall be carried onboard to be shown on demand.
- 4) All persons operating or serving as a crew member on board any watercraft carrying passengers for hire on the navigable waters of this State shall carry with them on board the vessel at all times proof of compliance with U.S.

Coast Guard and USDOT drug testing regulations (46 CFR 16 and 49 CFR 40).

- b) Inland Waters
 - 1) Licensed operators shall be authorized to operate only vessels designated by the license and only on bodies of water designated on the license.
 - 2) The license shall be kept in full force and effect and conspicuously displayed and shall be framed under transparent material. Where posting is impractical, the license shall be carried onboard to be shown on demand.
 - 3) No U.S. Coast Guard license, as described in subsection (a), shall be required for watercraft operating solely on inland waters.

(Source: Amended at 30 Ill. Reg. 14529, effective August 24, 2006)

Section 2080.70 License and Decal

- a) Upon satisfactory completion of the required dry dock and annual dockside inspections, the owner shall forward to the Department the original marine inspection report on the form provided by the Department, along with an application for a "Passengers for Hire" license. The Department shall issue a "Passengers for Hire" license which shall expire on March 1 of the following year.
- b) The "Passengers for Hire" license shall be framed under transparent material and posted in a conspicuous place on the vessel. Where posting is impractical the certificate shall be kept onboard to be shown on demand.
- c) The Department shall issue one expiration validation decal with each license. The decal shall be prominently displayed upon the side of the watercraft as close to the operators' position as possible, per instructions provided by the Department.

(Source: Amended at 23 Ill. Reg. 9062, effective July 28, 1999)

Section 2080.75 Rental Boats

- a) The operators of boat rental services shall be authorized to rent only vessels designated by the license and only on bodies of water designated on the license.
- b) The operators of boat rental services shall provide to the Department, each time their license is renewed, a statement certifying that each boat offered for rent is of sound construction and is safe for use on the water. All rental boats shall be subject to periodic, unannounced inspections by the Department to ensure that they are being suitably maintained for safe public use under the safety requirements set out in the Boat Registration and Safety Act [625 ILCS 45].

(Source: Amended at 30 Ill. Reg. 14529, effective August 24, 2006)

Section 2080.80 Misuse of License or Decal

No person shall loan, borrow, transfer or otherwise falsify any license or decal issued by the State of Illinois or the United States Coast Guard.

Section 2080.90 Suspension and Revocation of Decals and Licenses

- a) Violations of any provisions of this Part may result in suspension of any decal or license issued by the Department under the provisions of this Part for a period not to exceed one year.
- b) Subsequent violations of any provisions of this Part within a two-year period shall result in revocation of any decal or license issued by the Department under the provisions of this Part for a period not less than 5 years.
- c) Violations of any other provisions of the Boat Registration and Safety Act [625 ILCS 45], the Fish and Aquatic Life Code [515 ILCS 5], or the Wildlife Code [520 ILCS 5] may also result in suspension or revocation of any decal or license issued by the Department under the provisions of this Part.
- d) The procedure by which suspensions and revocations are made, the rights of licensees to notice and hearing, and the procedures governing such hearings are set forth in 17 Ill. Adm. Code 2530 (Rules Governing Department Formal Hearings Conducted for Rule-Making and Contested Cases).